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EXAMINER	
DANIEL JR, WILLIE J	

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/849,715	KIRBAS ET AL.	
	Examiner	Art Unit	
	Willie J. Daniel, Jr.	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 June 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 June 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 14 June 2004. **Claims 1-20** are now pending in the present application.

Specification

2. The objections to the specification are withdrawn, as the proposed specification corrections are approved.

Claim Objections

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 9, 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding **Claim 1**, Applicant claims "sets of partial numbers within the area code".

Regarding **Claim 9**, Applicant claims "sets of partial numbers".

Regarding **Claim 17**, Applicant claims "sets of prefix number within the area code".

The Examiner respectfully requests the applicant to provide the page(s) and line(s) in the specification and/or drawing(s) that support the claimed features in the instant application (last amendment) and review the supported subject matter (see pg. 6, line 18 - pg. 7, line 1).

4. This list of example(s) is not intended to be exhaustive.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features, for example,

   a. sets of partial numbers within the area code

   b. sets of prefix numbers within the area code

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-5, 7-8, 11-12, 15-17, 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaplan (US 5,884,193).

Regarding **Claim 1**, Kaplan discloses a method for restricting wireless communication, comprising the steps of:

storing a plurality of phone numbers within a memory (128), " the system may include an override number storage area (128) to store user - selected telephone number.....one or more speed dial storage locations within the wireless communication device (100) may be designated as the override number storage area (128)." (see Figure 1 and column 2 lines 43 – 45 and lines 52 – 55, column 5 lines 6 - 10), wherein geographical characteristics/information can be obtained from the number, "As can be appreciated by those of ordinary skill in the art, a user will enter additional digits indicative of a country code, city code" (see column 5 lines 57 – 63). This directly reads upon the claim of "storing a plurality of geographic characteristics in a wireless communications device;" a geographic characteristic of the plurality of geographic characteristics comprising at least one of an area code of a plurality of area codes and sets of partial numbers within the area code (see col. 5, lines 21-33; col. 6, lines 10-11; col. 7, lines 64-66; col. 3, line 36-46; Figs. 1-2, 4A, 5B), where the system can store in the storage areas (e.g., ref. "130" "128") numbers such as telephone numbers (i.e.,

telephone numbers are mapped to an area code or particular geographic area) and/or number codes (e.g., 800 numbers or 900 numbers, 411, 911, 011) which are used for allowing/prohibiting calls (e.g., local, domestic long distance, or international long distance). The system compares the entered and stored numbers for matching. ;

Kaplan discloses a "destination telephone number entered by the user" (see column 2 line 47, column 5 lines 14 - 15), which reads on "inputting a phone number into the wireless communication device";

Kaplan further discloses "a user will enter additional digits indicative of a country code, city code" (see column 5 lines 58 – 63), which reads on taking a phone number and "determining a particular geographic characteristic of the inputted phone number;" the particular geographic characteristic comprising one of an inputted area code and an inputted member of the sets of partial number within the area code (see col. 5, lines 21-33; col. 6, lines 10-11; col. 6, line 67 - col. 7, line 2; col. 7, lines 64-66; col. 3, line 36-46; Figs. 1-2, 5B), where the system can store in the storage areas (e.g., ref. "130" "128") numbers such as telephone numbers (i.e., telephone numbers are mapped to an area code or particular geographic area) and/or area code (e.g., 800 numbers or 900 numbers) which are used for allowing/prohibiting calls (e.g., long distance);

In addition, Kaplan discloses "The processor (102) allows the call to originate ..... if the destination telephone number entered by the user matches the stored data in the override number storage area (128) thus permitting wireless communication between the wireless communication device and a communication device corresponding to the user-entered destination telephone number." (see column 2 lines 45 – 52, column 5 lines 14 - 18),

which reads directly on "comparing the determined geographic characteristic of the inputted phone number with the stored plurality of geographic characteristics (see col. 5, lines 21-33; Figs. 5B), where the system compares the entered and stored numbers for matching.; and

placing a phone call to the inputted phone number if the particular geographic characteristic matches any of the stored plurality of geographic characteristics (see col. 5, lines 21-33; col. 6, lines 10-11; col. 6, line 67 - col. 7, line 2; col. 7, lines 64-66; col. 3, line 36-46; Figs. 1-2, 5B), where the system can store in the storage areas (e.g., ref. "130" "128") numbers such as telephone numbers (i.e., telephone numbers are mapped to an area code or particular geographic area) and/or area code (e.g., 800 numbers or 900 numbers) which are used for allowing/prohibiting calls (e.g., long distance)."

Regarding **Claim 2**, Kaplan discloses the method as set forth in **claim 1**, further comprising the step of: "The processor (102) allows the call to originate ..... if the destination telephone number entered by the user matches the stored data in the override number storage area (128) thus permitting wireless communication between the wireless communication device and a communication device corresponding to the user-entered destination telephone number." (see column 2 lines 45 – 52, column 5 lines 14 - 18). It is inherent that the converse of this condition reads directly on the claim, "not placing the phone call to the inputted phone number if the determined geographic characteristic does not match any of the plurality of stored geographic characteristics" (see col. 10, lines 29-51; col. 5, lines 2-8,21-33; col. 6, lines 10-11; col. 6, line 67 - col. 7, line 2; col. 7, lines 64-66; col. 3, line 36-46; Figs. 1-2, 5), where the system can store in the storage areas (e.g., ref. "130" "128") numbers such as telephone numbers (i.e., telephone numbers are mapped to an area

code or particular geographic area) and/or area code (e.g., 800 numbers or 900 numbers) which are used for allowing/prohibiting calls.

Regarding **Claim 4**, Kaplan discloses the method according to claim 1, wherein the step of placing the phone call comprises:

placing the phone call to the inputted phone number if the particular geographic characteristic does not match an of the stored plurality of geographic characteristics (see col. 10, lines 29-51; col. 11, lines 1-5; col. 5, lines 2-8,21-33; col. 6, lines 10-11; col. 6, line 67 - col. 7, line 2; col. 7, lines 64-66; col. 2, lines 58-64; col. 3, line 36-46; Figs. 1-2, 4A, 5), where the system can store in the storage areas (e.g., ref. "130" "128") numbers such as telephone numbers (i.e., telephone numbers are mapped to an area code) and/or area code (e.g., 800 numbers or 900 numbers) which are set for allowing/prohibiting calls.

Regarding **Claim 5**, Kaplan discloses the method according to claim 1, further comprising the step of:

not placing the phone call to the inputted phone number if the particular geographic characteristic matches any of the plurality of stored plurality of geographic characteristics (see col. 10, lines 29-51; col. 11, lines 1-5; col. 5, lines 2-8,21-33; col. 6, lines 10-11; col. 6, line 67 - col. 7, line 2; col. 7, lines 64-66; col. 3, line 36-46; Figs. 1-2, 5), where the system can store in the storage areas (e.g., ref. "130" "128") numbers such as telephone numbers (i.e., telephone numbers are mapped to an area code or particular geographic area) and/or area code (e.g., 800 numbers or 900 numbers) which are used for allowing/prohibiting calls.

Regarding **Claim 7**, Kaplan discloses a method for restricting wireless communication, comprising the steps of:

storing a plurality of phone numbers within a memory (128), " the system may include an override number storage area (128) to store user - selected telephone number.....one or more speed dial storage locations within the wireless communication device (100) may be designated as the override number storage area (128)." (see Figure 1 and column 2 lines 43 – 45 and lines 52 – 55, column 5 lines 6 - 10), wherein authorized area codes can be obtained from the number, "As can be appreciated by those of ordinary skill in the art, a user will enter additional digits indicative of a country code, city code" (see column 5 lines 57 – 63). This directly reads upon the claim of "storing a plurality of authorized area codes in a wireless communications device;"

Kaplan discloses a "destination telephone number entered by the user" (see column 2 line 47, column 5 lines 14 - 15), which reads on "inputting a phone number into the wireless communication device;"

Kaplan further discloses "a user will enter additional digits indicative of a country code, city code" (see column 5 lines 58 – 63), which reads on taking a phone number and "determining a particular area code of the inputted phone number;"

In addition, Kaplan discloses "The processor (102) allows the call to originate ..... if the destination telephone number entered by the user matches the stored data in the override number storage area (128) thus permitting wireless communication between the wireless communication device and a communication device corresponding to the user-entered destination telephone number." (see column 2 lines 45 – 52, column 5 lines 14 - 18), which reads directly on "placing a phone call to the inputted phone number if the determined particular area code matches any of the plurality of authorized area codes stored in the

wireless communication device." (see col. 10, lines 29-51; col. 11, lines 1-5; col. 5, lines 2-8,21-33; col. 6, lines 10-11; col. 6, line 67 - col. 7, line 2; col. 7, lines 64-66; col. 2, lines 58-64; col. 3, line 36-46; Figs. 1-2, 4A, 5A-B), where the system can store in the storage areas (e.g., ref. "130" "128") numbers such as telephone numbers (i.e., telephone numbers are mapped to an area code or particular geographic area) and/or number codes (e.g., 800 numbers or 900 numbers, 411, 911, 011) which are used for allowing/prohibiting calls (e.g., local, domestic long distance, or international long distance). The system compares the entered and stored numbers for matching.

Regarding **Claim 8**, Kaplan discloses the method according to claim 7, further comprising the step of:

not placing a phone call to the inputted phone number if the determined particular area code does not match any of the plurality of authorized codes (see col. 10, lines 29-51; col. 11, lines 1-5; col. 5, lines 2-8,21-33; col. 6, lines 10-11; col. 6, line 67 - col. 7, line 2; col. 7, lines 64-66; col. 3, line 36-46; Figs. 1-2, 4A, 5B), where the system can store in the storage areas (e.g., ref. "130" "128") numbers such as telephone numbers (i.e., telephone numbers are mapped to an area code or particular geographic area) and/or area code (e.g., 800 numbers or 900 numbers) which are used for allowing/prohibiting calls.

Regarding **Claim 11**, Kaplan discloses a system (100) (see figure 1) for restricting wireless communication, comprising "an override data storage area (128) containing one or more user selected destination telephone numbers. The override data storage area (128) may be part of the memory (104) or a separate storage area" (see column 5 lines 6 – 10), wherein geographical characteristics/information can be obtained from the number, "As can be

appreciated by those of ordinary skill in the art, a user will enter additional digits indicative of a country code, city code" (see column 5 lines 57 – 63). This directly reads upon the claim of "means for storing a plurality of geographic characteristics in a wireless communications device", wherein a geographic characteristic of the plurality of geographic characteristics comprises at least one of an area code of a plurality of area codes and a prefix number of a plurality of prefix numbers within the plurality of area codes (see col. 5, lines 21-33; col. 6, lines 10-11; col. 7, lines 64-66; col. 3, line 36-46; Figs. 1-2, 4A, 5B), where the system can store in the storage areas (e.g., ref. "130" "128") numbers such as telephone numbers (i.e., telephone numbers are mapped to an area code or particular geographic area) and/or number codes (e.g., 800 numbers or 900 numbers, 411, 911, 011) which are used for allowing/prohibiting calls (e.g., local, domestic long distance, or international long distance);

Kaplan discloses a "destination telephone number entered by the user via a keypad (108)" (see column 5 lines 14 - 15), which reads on "a means for inputting a phone number into the wireless communication device;"

CPU (102) which reads on the claimed "means for determining" a particular geographic characteristic of the inputted phone number, the particular geographic characteristic comprising one of an inputted area code and an inputted prefix number (see col. 5, lines 5-8,21-33; col. 6, lines 10-11; col. 7, lines 64-66; col. 3, line 36-46; Figs. 1-2, 4A, 5B), where the system can store in the storage areas (e.g., ref. "130" "128") numbers such as telephone numbers (i.e., telephone numbers are mapped to an area code or particular geographic area) and/or number codes (e.g., 800 numbers or 900 numbers, 411, 911, 011) which are used for

allowing/prohibiting calls (e.g., local, domestic long distance, or international long distance) and the system (100) compares the entered and stored numbers for matching;

means (102) for comparing the determined particular geographic characteristic of the inputted phone number with each stored geographic characteristic of the plurality of stored geographic characteristics (see col. 5, lines 21-33; col. 10, lines 29-51; col. 11, lines 1-5; col. 6, lines 10-11; col. 7, lines 64-66; col. 3, line 36-46; Figs. 1-2, 4A, 5B), where the system can store in the storage areas (e.g., ref. "130" "128") numbers such as telephone numbers (i.e., telephone numbers are mapped to an area code or particular geographic area) and/or number codes (e.g., 800 numbers or 900 numbers, 411, 911, 011) which are used for allowing/prohibiting calls (e.g., local, domestic long distance, or international long distance) and the system compares the entered and stored numbers for matching;

In addition, Kaplan discloses "If the destination telephone number entered by the user ..... matches one of the destination telephone numbers ....., the CPU (102) will selectively enable the transmission of the call origination message by the transmitter (112)" (see column 5 lines 14 – 18), which directly reads on a "means for placing a phone call to the inputted phone number if the determined particular geographic characteristic matches any of the stored plurality of geographic characteristics" (see col. 5, lines 21-33; col. 10, lines 29-51; col. 11, lines 1-5; Figs. 1-2, 4A, 5B).

Regarding **Claim 12**, Kaplan discloses a wireless communication device (100) (see figure 1), comprising a means for: "an override data storage area (128) containing one or more user selected destination telephone numbers. The override data storage area (128) may be part of the memory (104) or a separate storage area" (see column 5 lines 6 – 10), wherein

authorized area codes can be obtained from the number, "As can be appreciated by those of ordinary skill in the art, a user will enter additional digits indicative of a country code, city code" (see column 5 lines 57 – 63). This directly reads upon the claim of "means for storing a plurality of authorized area codes in a wireless communications device;"

Kaplan discloses a "destination telephone number entered by the user via a keypad (108)" (see column 5 lines 14 - 15), which reads on "a means for inputting a phone number into the wireless communication device;"

Kaplan further discloses "If the destination telephone number entered .....matches one of the destination telephone numbers in the override data storage area (128), the CPU (102) will selectively enable," which reads on a "means for determining a particular area code of the inputted phone number;"

In addition, Kaplan discloses "If the destination telephone number entered by the user ..... matches one of the destination telephone numbers ....., the CPU (102) will selectively enable the transmission of the call origination message by the transmitter (112)" (see column 5 lines 14 – 18), which directly reads on a "means for placing a phone call to the inputted phone number if the determined particular area code matches an authorized area code of the plurality of authorized area codes" (see col. 5, lines 4-8,14-18,21-33; Figs. 1-2, 4A, 5B).

Regarding **Claim 15**, Kaplan discloses the wireless device of claim 12, further comprising:

a receiver (114) which reads on the claimed "means for receiving" an over the air instruction (e.g., data) for updating the plurality of authorized area codes (see col. 3, lines 54-60; Figs. 1-2), where the cellular telephone receives signals (data) via the receiver in which

the updating would be inherent for allowing/prohibiting calls to networks with added area code(s).

Regarding **Claim 16**, Kaplan discloses a wireless communication network for restricting communication of a wireless communications device (see Figs. 1-2), the wireless communication network comprising:

a cellular site controller which reads on the claimed "cellular service provider" for accepting calls placed by the wireless communications device (see col. 3, lines 35-46,54-60; col. 3, line 66 - col. 4, line 4; col. 5, lines 37-39; Figs. 1-2); and

the wireless communications device comprising:

a storage area (ref. "128" "130") for storing geographic characteristics that authorize the placing of a phone call, the geographic characteristics comprising at least one of an area code of a plurality of area codes and a prefix number of a plurality of prefix numbers (see col. 5, lines 5-8,21-33; Figs. 1-2, 4A, 5B);

a keypad (108) which reads on the "input device" for inputting a phone number (see Fig. 1);

a CPU (102) which reads on the claimed "processor" in the wireless communications device for processing a plurality of instruction sets (see Figs. 1-2, 4A, 5B), the plurality of instruction sets comprising:

a first instruction set of the plurality of instruction sets for comparing whether a portion of the inputted phone number matches a geographic characteristic of the stored geographic characteristics (see col. 5, lines 5-8,21-33; col. 6, lines 10-11; col. 6, line 63 - col. 7, line 2; col. 7, lines 29-51; Figs. 1-2, 4A, 5B); and

a second instruction set for authorizing placement of the phone call base upon a result of the comparison (see col. 10, lines 37-40; col. 11, lines 1-4; Figs. 1-2, 4A, 5B).

Regarding **Claim 17**, Kaplan discloses the wireless communication network of claim 16, wherein the plurality of prefix numbers comprises sets of prefix numbers within the area code of the plurality of area codes (see col. 5, lines 5-8,14-18,21-33; col. 10, lines 29-51; col. 6, lines 10-11; col. 7, lines 64-66; col. 3, line 36-46; Figs. 1-2, 4A, 5), where the system can store in the storage areas (e.g., ref. "130" "128") numbers such as telephone numbers (i.e., telephone numbers are mapped to an area code or particular geographic area) and/or number codes (e.g., 800 numbers or 900 numbers, 411, 911, 011) which are used for allowing/prohibiting calls (e.g., local, domestic long distance, or international long distance).

Regarding **Claim 19**, Kaplan discloses the wireless communication network of claim 16, wherein the cellular service provider determines the geographic characteristics, and controls the storage of the geographic characteristics in the storage area (ref. "128" "130") (see col. 3, lines 54-60; col. 5, lines 21-33; Figs. 1-2, 4A), where the cellular telephone receives signals (data) via the receiver (114) in which the controlling of storage would be provided via the CPU (102) for the networks added area code(s).

Regarding **Claim 20**, Kaplan discloses the wireless communication network of claim 19, wherein the cellular service provider controls the storage of the geographic characteristics in the storage area by an over the air storage instruction to the wireless communications device, the wireless communications device further comprising:

a fourth instruction set of the plurality of instructions sets for processing the over the air storage instruction (see col. 3, lines 54-60; col. 5, lines 21-33; Figs. 1-2, 4A), where the

cellular telephone receives signals (data) via the receiver (114) in which the processing would be inherent for the CPU (102) to allow/prohibit calls to networks with the added area code(s).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 6, 10, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan (US 5,884,193) in view of Stephens (US 5,995,823).

Regarding **Claim 3**, Kaplan fails to disclose having the features determining a position location of the wireless communications device utilizing a GPS function inside of the wireless communications device; and using the position location to authorize the placing of the phone call. However, the examiner maintains that the features determining a position location of the wireless communications device utilizing a GPS function inside of the wireless communications device; and using the position location to authorize the placing of the phone call was well known in the art, as taught by Stephens.

In the same field of endeavor, Stephens discloses the features

determining a position location of the cellular telephone (12) which reads on the claimed "wireless communications device" utilizing a GPS function inside of the wireless communications device (12) (see col. 7, lines 39-62; col. 9, lines 34-39; Figs. 1-2, 5 "ref.

44"), where the system has a GPS satellite in which the GPS function would be obvious for the mobile cellular telephone to receive a GPS signal via GPS receiver to the determining of location; and

using the position location to authorize the placing of the phone call (see col. 7, lines 39 – 62, col. 9, lines 37 - 39; col. 9, lines 38-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kaplan and Stephens to have the features determining a position location of the wireless communications device utilizing a GPS function inside of the wireless communications device; and using the position location to authorize the placing of the phone call, in order to provide an improved cellular telephone system in which the risk of illicitly intercepted telephone service is reduced by providing toll restrictions that are based on the geographic location, as taught by Stephens (see col. 3, lines 37-42).

Regarding **Claim 6**, the combination of Kaplan and Stephens discloses everything claimed as applied above (see **claims 3** and **4**), in which the claim is rejected for the same reasons as applied above (see claim 3 and 4).

Regarding **Claim 10**, the claim is rejected for the same reasons as set forth above in the rejection of claims 3 and 7.

Regarding **Claim 13**, Kaplan discloses the features

means (102) for restricting the placement of the phone call based upon a positive result of the correspondence (see col. 5, lines 14-18,26-33; col. 29, lines 29-51; col. 11, lines 1-5; Figs. 1-2, 4A, 5B);

means (102) for allowing the placement of the phone call based upon a negative result of the correspondence (see col. 5, lines 14-18,26-33; col. 29, lines 29-51; col. 11, lines 1-5; Figs. 1-2, 4A, 5B). Kaplan fails to disclose having the features a position locator for determining a current position of the wireless communications device; and means for determining if the current position corresponds to an area code of the plurality of authorized area codes. However, the examiner maintains that the features a position locator for determining a current position of the wireless communications device; and means for determining if the current position corresponds to an area code of the plurality of authorized area codes was well known in the art, as taught by Stephens.

Stephens further discloses the features

a position locator for determining a current position of the wireless communications device (see col. 7, lines 39-62; col. 9, lines 34-39; Figs. 1-2, 5 "ref. 44"), where the communication system has a GPS satellite for determining the location of the mobile cellular telephone in which the position locator would be obvious; and

microcomputer (130) which reads on the claimed "means for determining" if the current position corresponds to an area code of the plurality of authorized area codes (see col. 12, lines 19-29; col. 7, lines 39 – 62, col. 9, lines 37 - 39; col. 9, lines 38-56; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kaplan and Stephens to have the features a position locator for determining a current position of the wireless communications device; and means for determining if the current position corresponds to an area code of the plurality of authorized area codes, in order to provide an improved cellular telephone system

in which the risk of illicitly intercepted telephone service is reduced by providing toll restrictions that are based on the geographic location, as taught by Stephens (see col. 3, lines 37-42).

Regarding **Claim 14**, Kaplan fails to disclose having the feature wherein the position locator of the wireless communication device is a GPS device. However, the examiner maintains that the feature wherein the position locator of the wireless communication device is a GPS device was well known in the art, as taught by Stephens.

Stephens further discloses the features

wherein the position locator of the wireless communication device (12) is a GPS device (see col. 7, lines 39-62; col. 9, lines 34-39; Figs. 1-2, 5 "ref. 44"), where the communication system has a GPS satellite for determining the location of the mobile cellular telephone in which the GPS device would be obvious for receiving a GPS signal via a GPS device such as GPS receiver.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kaplan and Stephens to have the feature wherein the position locator of the wireless communication device is a GPS device, in order to provide an improved cellular telephone system in which the risk of illicitly intercepted telephone service is reduced by providing toll restrictions that are based on the geographic location, as taught by Stephens (see col. 3, lines 37-42).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan (US 5,884,193) in view of Cox et al. (hereinafter Cox) (US 6,256,515 B1).

Regarding **Claim 9**, Kaplan discloses the features

storing numbers in the cellular telephone which reads on the claimed "wireless communication device" (see col. 5, lines 5-8,21-33; col. 3, lines 36-46; Figs. 1-2, 4A, 5), where the cellular telephone has a memory (e.g., ref. "128" "130") where numbers are stored for the system (100);

comparing a portion of the inputted phone number (see col. 5, lines 21-33; col. 6, line 63 - col. 7, line 4; col. 10, lines 29-51; col. 11, lines 1-5; Figs. 1-2, 4A, 5), where the system compares the numbers;

placing the phone call based upon the comparison (see col. 5, lines 21-33; col. 10, lines 29-51; col. 11, lines 1-5; Figs. 1-2, 4A, 5). Kaplan fails to disclose having the features sets of partial numbers, the sets of partial numbers associated with at least one area code of the plurality of authorized area codes; and with the sets of partial numbers. However, the examiner maintains that the features sets of partial numbers, the sets of partial numbers associated with at least one area code of the plurality of authorized area codes; and with the sets of partial numbers was well known in the art, as taught by Cox.

In the same field of endeavor, Cox discloses the features

sets of partial numbers, the sets of partial numbers associated with at least one area code of the plurality of authorized area codes (see col. 7, lines 16-26); and

with the sets of partial numbers (see col. 7, lines 16-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kaplan and Cox to have the features sets of partial numbers, the sets of partial numbers associated with at least one area code of the

plurality of authorized area codes; and with the sets of partial numbers, in order to have database restrict calls to and/or from a wireless telephone, as taught by Cox (see col. 2, lines 42-55).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan (US 5,884,193) in view of Rahikainen et al. (hereinafter Rahikainen) (US 6,085,080 B1) and Stephens (US 5,995,823).

Regarding **Claim 18**, Kaplan fails to disclose having the features a position location function within the wireless communication device for determining a physical position of the wireless communication device; and a third instruction set of the plurality of instruction sets for utilizing the physical position to determine whether to restrict incoming calls to the wireless communications device. However, the examiner maintains that the feature to determine whether to restrict incoming calls to the wireless communications device was well known in the art, as taught by Rahikainen.

In the same field of endeavor, Rahikainen discloses the feature to determine whether to restrict incoming calls to the WLL subscriber station (1) which reads on the claimed "wireless communications device" (see col. 5, lines 7-28; Figs. 1, 2B "ref. 14a").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kaplan and Rahikainen to have the feature to determine whether to restrict incoming calls to the wireless communications device, in order to provide a flexible method of restricting calls and to allow the user the ability to selectively reject undesired incoming calls, as taught by Rahikainen (see col. 2,

lines 30-41). The combination of Kaplan and Rahikainen fails to disclose having the features a position location function within the wireless communication device for determining a physical position of the wireless communication device; and a third instruction set of the plurality of instruction sets for utilizing the physical position. However, the examiner maintains that the features a position location function within the wireless communication device for determining a physical position of the wireless communication device; and a third instruction set of the plurality of instruction sets for utilizing the physical position was well known in the art, as taught by Stephens.

Stephens further discloses the features

a position location function within the wireless communication device for determining a physical position of the wireless communication device (12) (see col. 7, lines 39-62; col. 9, lines 34-39; Figs. 1-2, 5 "ref. 44"), where the communication system has a GPS satellite for determining the location of the mobile cellular telephone in which the position location function would be obvious; and

a third instruction set of the plurality of instruction sets for utilizing the physical position (see col. 7, lines 39-62, col. 9, lines 37 - 39; col. 9, lines 38-56; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kaplan and Rahikainen with Stephens to have the features a position location function within the wireless communication device for determining a physical position of the wireless communication device; and a third instruction set of the plurality of instruction sets for utilizing the physical position, in order to provide an improved cellular telephone system in which the risk of illicitly intercepted telephone service

is reduced by providing toll restrictions that are based on the geographic location, as taught by Stephens (see col. 3, lines 37-42).

Response to Arguments

8. Applicant's arguments filed June 14, 2004 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with applicant's arguments as the applied reference(s) provide more than adequate support (see the above claims and comments in this section).

9. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "stores area codes or sets of numbers (prefixes) within the area codes, **only**"; "The stored numbers are compared against the inputted area code or prefix, **only**, **NOT** the entire number." on pg. 15, 1st paragraph) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

10. Regarding applicant's arguments "sets of numbers (**prefixes**) within the area codes" on pg. 15, 1st paragraph; "sets of numbers within area codes (**prefixes**)" on pg. 20, 1st paragraph, lines 9-10, the applicant's use of "**prefixes**", for example, in the cited phrase locations contradict each other.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (703) 305-8636. The examiner can normally be reached on 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marsha D Banks-Harold

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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

WJD,JR
03 December 2004